

21 C.J.S. Courts § 90

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

H. Loss or Divestiture of Jurisdiction

§ 90. Subsequent facts or events as divesting or extinguishing acquired jurisdiction

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Jurisdiction, once properly acquired, is not generally divested by subsequent facts or events.

Jurisdiction, once acquired, is not generally divested by subsequent facts,¹ developments,² or events,³ even events of such a character as would have prevented jurisdiction from attaching in the first instance.⁴ After a court acquires jurisdiction of the subject matter and the person, intervening events may affect the nature of the relief available but do not end or extinguish the jurisdiction of the court.⁵

Under a statute giving a court exclusive subject matter jurisdiction over a particular type of matter, the jurisdiction of another court in such an action is divested when an action is filed in the correct court.⁶

The enactment of a statute creating another court does not divest the jurisdiction of the court in which jurisdiction properly attached at the time an action is filed in the absence of express language to that effect.⁷

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Footnotes

¹ Mont.—*State v. Hass*, 2011 MT 296, 363 Mont. 8, 265 P.3d 1221 (2011).

Tex.—*Parham Family Ltd. Partnership v. Morgan*, 434 S.W.3d 774 (Tex. App. Houston 14th Dist. 2014).

- 2 Ga.—*Bobick v. Community & Southern Bank*, 321 Ga. App. 855, 743 S.E.2d 518 (2013).
- 3 Ala.—*Steensland v. Alabama Judicial Inquiry Com'n*, 87 So. 3d 535 (Ala. 2012).
- Colo.—*Thomas v. F.D.I.C.*, 255 P.3d 1073 (Colo. 2011).
- Okla.—*Cook v. Bowen*, 2014 OK CIV APP 81, 335 P.3d 281 (Div. 1 2014).
- Pa.—*Corman v. National Collegiate Athletic Ass'n*, 93 A.3d 1, 306 Ed. Law Rep. 382 (Pa. Commw. Ct. 2014), writ denied, stay denied, 628 Pa. 52, 102 A.3d 1249 (2014).
- Tex.—*Parham Family Ltd. Partnership v. Morgan*, 434 S.W.3d 774 (Tex. App. Houston 14th Dist. 2014).
- Va.—*E.C. v. Virginia Dept. of Juvenile Justice*, 283 Va. 522, 722 S.E.2d 827 (2012).
- 4 Colo.—*People In Interest of M.C.S.*, 2014 COA 46, 327 P.3d 360 (Colo. App. 2014).
- Pa.—*Corman v. National Collegiate Athletic Ass'n*, 93 A.3d 1, 306 Ed. Law Rep. 382 (Pa. Commw. Ct. 2014), writ denied, stay denied, 628 Pa. 52, 102 A.3d 1249 (2014).
- 5 Va.—*E.C. v. Virginia Dept. of Juvenile Justice*, 283 Va. 522, 722 S.E.2d 827 (2012).
- 6 N.C.—*4U Homes & Sales, Inc. v. McCoy*, 762 S.E.2d 308 (N.C. Ct. App. 2014) (referencing small claims court and superior court).
- 7 Utah—*Salt Lake City v. Weiner*, 2009 UT App 249, 219 P.3d 72 (Utah Ct. App. 2009).

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